

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. The Office Action incorrectly states that Claims 1, 3, 4, 41-56, 81-88, 91 and 92 are pending. The Office Action states that Claim 4 is withdrawn from prosecution. The Office Action fails to recognize the Supplemental Response filed by applicants by facsimile on September 22, 2003. Applicants request that this Supplemental Response be considered.

Applicants believe that Claims 1-4, 6-15, 88 and 89 properly are pending in this application. Applicants are canceling herewith Claims 1-92 and adding new Claims 93-96. New Claims 93-96 read on the elected species, and, therefore, entry of this amendment is proper. Following entry of the foregoing amendments, Claims 93-96 will be pending and subject to further examination.

The Office Action:

Claims 1, 3, 41-56 and 81-88 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 3, 41-56 and 81-88 were rejected under 35 U.S.C. § 102(b) as being completely anticipated and unpatentable over the patent to Tanabe et al. (U.S. Patent No. 5,763,432) and the patent to Tanabe et al. (U.S. Patent No. 6,046,186). Applicants respectfully traverse the foregoing rejections.

The Rejection Under Section 112:

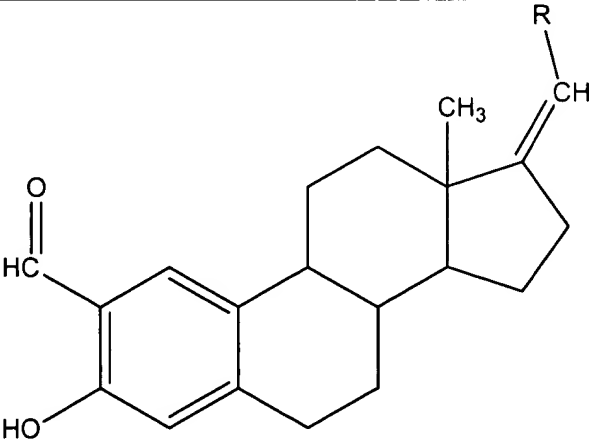
Claims 1, 3, 41-56 and 81-88 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants are canceling Claims 1-92 herewith. Therefore, Applicants submit that this rejection is moot.

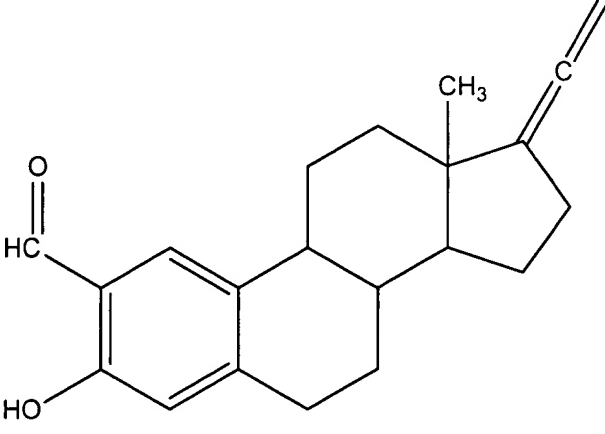
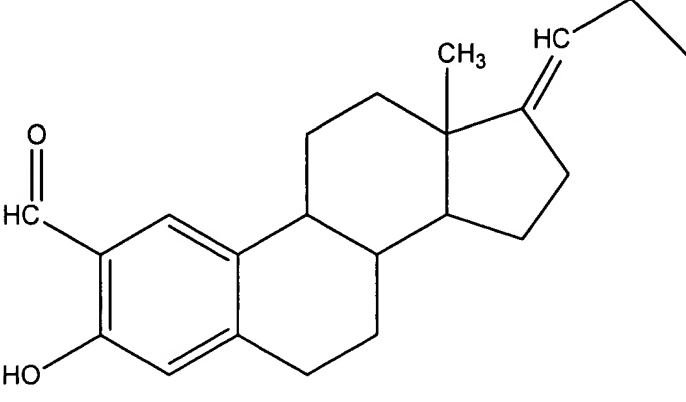
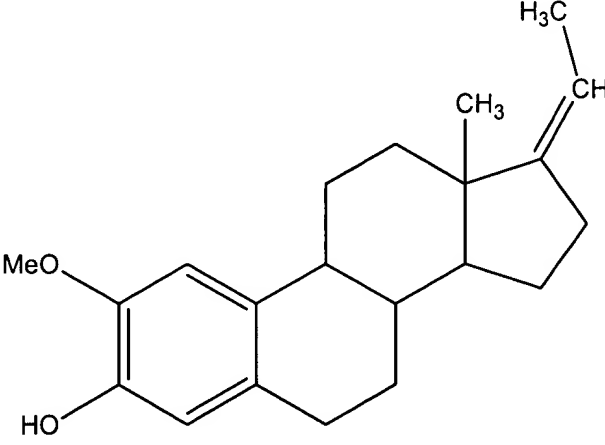
The Rejection Under Section 102:

Claims 1, 3, 41-56 and 81-88 were rejected under 35 U.S.C. § 102(b) as being completely anticipated and unpatentable over the patent to Tanabe et al. '432 and the patent to Tanabe et al. '186. The rejection references compounds 23-26 in column 23, compound 39 in column 29 and compound 48 in column 33 of Tanabe et al. '432. The rejection also references compound 68 in column 49 of Tanabe et al. '186. Although it does not state as such, it is assumed that the rejection intended to indicate that the referenced compound are encompassed by Claim 1 of the present application. Although applicants are canceling Claims 1-92 herewith, Applicants respectfully traverse this rejection with respect to new Claims 93 and 94.

The prior art compounds referenced by the Office Action are shown in Table I below.

TABLE I

Compound	Reference
 R is H, Me, Et, Pr.	Tanabe '432 compounds 23-26 in column 23

	<p>Tanabe '432 compound 39 in column 29</p>
	<p>Tanabe '432 compound 48 in column 33</p>
	<p>Tanabe '186 compound 68 in column 49</p>

New claims 93-96 of the present invention require R_a to be $-OCH_3$. Since all of the compounds cited by the Office Action from Tanabe '432 require $-COH$ at the "2" position, they are different from the presently claimed compounds and cannot anticipate the

present claims since Tanabe '432 does not disclose all of the elements of the claims. Therefore, a rejection of new Claims 93-96 based upon Tanabe '432 would be improper.

The patent to Tanabe '186 discloses compound 68 which does have a methoxy group at the 2-position, but requires =CH-CH_3 at the 17-position. None of Claims 93-96 have =CH-CH_3 at the 17-position. Therefore, a rejection of new Claims 93-96 under 35 U.S.C. §102 based upon Tanabe '186 would be improper.

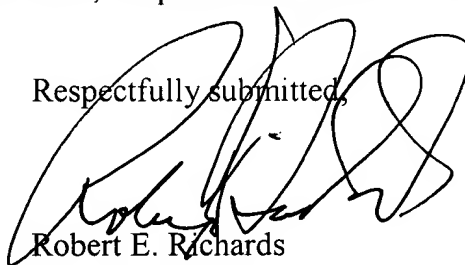
New Claims 93-96 also would not be obvious under 35 U.S.C. §103 based upon Tanabe '432 or Tanabe '186. Neither Tanabe '432 nor Tanabe '186 disclose or suggest the 17-position substituents claimed in new Claims 93-96. Although Compound 68 of Tanabe '186 bears some structural similarity to the compound claimed in new Claims 93-96 wherein the 17-position is substituted with =CH_2 , Tanabe '186 only discloses that Compound 68 is useful as an intermediate in making a steroid that has a sulfamate group at the 3-position. Thus, there is no suggestion in Tanabe '186 that the compound of new Claims 93-96 could be useful as antiangiogenic agents or that they would be useful as pharmaceuticals. Therefore, a rejection of new Claims 93-96 under 35 U.S.C. §103 based upon Tanabe '432 or Tanabe '186 would be improper.

Conclusion:

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and remarks. Such action is courteously solicited.

Applicants further request that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert E. Richards', is written over the typed name.

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